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PROGRAM INSTRUCTION

TO: Indian Tribes Eligible to Apply for Funding Under Title IV-B, Subpart 2, Family Preservation and Family Support Services.

SUBJECT: Implementation of New Legislation: Family Preservation and Support Services, Title IV-B, Subpart 2.

PURPOSE: The purpose of this Program Instruction is to provide information on the Fiscal Year (FY) 1994 application requirements and guidance for developing the FY 1995 five- year Indian Tribal Plan for Family Preservation and Support Services.

LEGAL AND RELATED REFERENCES: Title IV-B of the Social Security Act, Subpart 2, Family Preservation and Support Services; Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66); 45 CFR Part 92; 1990 Census of Population Indian and Alaskan Native Areas, 1990 CP-1-1A, issued September 1992.

Public reporting burden for this collection of information is estimated to average 144 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Reports Clearance Officer, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; and to: Office of Management and Budget, Paperwork Reduction Project, OMB control number 0980-0258 (new request), Washington, D.C. 20503.

OVERVIEW: This new legislation aims to promote family strength and stability, enhance parental functioning, and protect children through funding a capped entitlement program to provide family support and family preservation services, which the law defines broadly.

There is widespread consensus in the child and family policy community that these new dollars, although relatively small, can best be used not only to provide services but also to improve the way in which services are coordinated and delivered.

The FY 1994 appropriation for subpart 2 is \$60 million. Of this amount, \$2 million is reserved for Federal evaluation, research, and training and technical assistance; \$600,000 is reserved for grants to Indian Tribes for family support and family preservation. The balance is available for grants to States.

For FY 1995, the authorization increases to \$150 million. Of this amount, \$6 million is reserved for Federal evaluation, research, and training and technical assistance; \$1.5 million is reserved for grants to Indian Tribes for services. A new program of grants to State courts will be initiated at a funding level of \$5 million.

(Information on this program will be forthcoming.) The balance is available for grants to States for services.

ELIGIBLE INDIAN TRIBES AND ALLOTMENTS: Attachment A lists FY 1994 and FY 1995 allotments to eligible Indian Tribes. The law states that the Secretary may make a grant to an Indian Tribe or tribal organization only if the tribe's allotment is \$10,000 or more. A "tribal organization" is defined as the recognized governing body of the Indian Tribe.

The Indian Tribal allotments were computed based on the number of children in each tribe compared to the number of children in all tribes eligible to submit a five-year Indian Tribal Plan for services in FY 1995.

Data on the number of children in each tribe was obtained from the FY 1990 Census. To determine which tribes were eligible, we took the \$1.5 million FY 1995 set aside for Indian Tribes and identified which tribes would have allotments of \$10,000 and over.

Using the same percentage for each tribe, we then allocated the FY 1994 funds set aside for Indian Tribes (\$600,000). FY 1994 funds are expected to be used primarily for planning purposes leading to the development of the FY 1995 five-year Tribal Plan.

Attachment B contains a copy of the statute and an excerpt from the Conference Report regarding the definition of family support services.

This Program Instruction is divided into five parts.

- Part I is an introductory section which contains our vision for this new legislation and background information on family support and family preservation services.
- Part II is a discussion of family support and family preservation services and guiding principles for these services.
- Part III is a discussion of planning activities essential to the development of a five-year Indian Tribal Plan for services beginning in FY 1995, including consultation, coordination, data collection, and joint planning.

- Part IV contains a brief outline of major provisions of the statute and additional fiscal and administrative information.
- Part V contains instructions for preparing the FY 1994 application for planning funds and for services funds.

SUBMITTALS: The FY 1994 Application

We encourage Indian Tribes or tribal organizations to submit the FY 1994 application to the appropriate Administration for Children and Families (ACF) Federal Regional Office as soon as possible and no later than June 30, 1994.

The FY 1995 Indian Tribal Plan

We encourage Indian Tribes or tribal organizations to submit the five-year FY 1995-99 plan as soon as possible after completing the planning process and no later than June 30, 1995.

PART I: INTRODUCTION

A. Background

Enactment of a new subpart 2 to title IV-B of the Social Security Act is the first major change in this title since the amendments made by Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980.

The goals of that legislation were to:

- prevent the unnecessary separation of children from their families;
- improve the quality of care and services to children and their families; and
- ensure permanency for children through reunification with parents, through adoption, or through another permanent living arrangement.

These goals have not been fully realized. A wide variety of reasons have been suggested by researchers and practitioners, including:

- social, cultural, and economic changes (increases in substance abuse, community violence, poverty, and homelessness, for example), which have affected the number of families coming to the attention of State and Indian Tribal child welfare agencies and the severity of their problems;
- rising rates of child abuse and neglect reports, particularly for child sexual abuse;
- child welfare systems unable to keep up with these increased demands, given constrained resources, high caseloads, and overburdened workers;
- services planning that focuses most resources on crisis intervention and too few on prevention;
- lack of services that fit the real needs of families; and
- the isolation of the child welfare services system from other services needed by vulnerable families, such as housing, employment, and substance abuse services.

In response, Congress has passed, and the President has signed, legislation that will provide States and eligible Indian Tribes with new Federal dollars for preventive services (family support services) and services to families at risk or in crisis (family preservation services).

In addition to providing funds for expanding services, the new program offers an extraordinary opportunity to assess and make changes in service delivery. The purpose of these changes is to achieve improved well-being for vulnerable children and their families, particularly those experiencing or at risk for abuse and neglect. Because the multiple needs of these vulnerable children and families cannot be addressed adequately through categorical programs and fragmented service delivery systems, we encourage Indian Tribes to use this new program as a catalyst for establishing a continuum of coordinated and integrated, culturally relevant, family-focused services for children and families.

Among the elements that would ideally be part of the continuum, depending on family needs, are family support and family preservation services; child welfare services, including child abuse and neglect preventive and treatment services and foster care; services to support reunification, adoption, kinship care, independent living, or other permanent living arrangements; and linkages to services that meet other needs, such as housing, employment, and health.

In passing this legislation, Congress recognized that new funding alone would not be sufficient to meet the goals of the legislation and Public Law 96-272. Because new or expanded services are just one element needed to improve child welfare services, many States and Indian Tribes may choose to carry out major changes in the ways services are delivered and in the systems that deliver them, in order to ensure that services are part of a comprehensive, coordinated service delivery system that draws heavily on community-based programs in its design and implementation.

We expect that a major goal of the planning process will be to examine the changes that are needed in each eligible Indian Tribe to make delivery of services more responsive to the needs of individuals and more sensitive to the context in which they are to be delivered.

It is our strong expectation that Indian Tribes will take advantage of this opportunity to move toward a more coordinated, flexible system, built on and linked to existing services and supports, and able to serve children and their families in a more effective way.

B. Development of Family Preservation and Support Services

Family support and family preservation services are not new. They date back to the turn of the century, e.g., Hull House and the settlement house movement. Recently, however, there has been increased interest in such programs.

Over the last several years, State and local governments, foundations, national organizations, non-profit agencies, and Indian Tribes have begun to develop and implement family support and family preservation programs; push for change in child welfare programs, including reform of State laws and policies to support "family-centered practice;" and experiment with changing the way child welfare services are organized and delivered, including strengthening linkages with other agencies and resources and moving toward greater community direction and control of services.

A few examples of such efforts include the American Public Welfare Association's policy on Commitment to Change, the "decategorization of funding" and collaborative planning efforts in a number of States, the Children's Trust Funds and Children's Cabinets, the Pew Foundation's Children's Initiative and support for demonstrations of improved planning and child welfare service delivery from the Edna McConnell Clark Foundation and the Annie E. Casey Foundation. Specific program models include the Homebuilders and the Families First programs, the Healthy Families America initiative, and hundreds of community-based family support programs nationwide including both family resource centers and home-based models, such as Parents as Teachers, and the Home Instruction Program for Preschool Youngsters (HIPPPY).

Many Indian Tribes and tribal organizations have also developed and implemented family-centered or family-based services, including family preservation and family support programs. Tribal programs may be center based, home based (include home visiting), or contain elements of both. Most programs seek to build on family strengths and use traditional and cultural activities as a part of their program.

Examples of Indian Tribes and tribal organizations with experience in administering these programs include:

- the Inter-Tribal Council of Michigan administering the Native American Families First Program of Michigan;
- the Confederated Tribes of the Warm Springs Reservation of Oregon;
- the Tohono O'odham Nation of Arizona;
- Confederated Tribes of the Grand Ronde Community of Oregon;
- the Mississippi Band of Choctaw Indians of Mississippi;
- the Puyallup Tribe of the Puyallup Reservation in Washington;
- the Minnesota Chippewa Tribe of Minnesota;
- the Ute Mountain Tribe of the Ute Mountain Reservation in Colorado, New Mexico, and Utah;
- the Comanche Indian Tribe of Oklahoma;
- the Oglala Sioux Tribe of the Pine Ridge Reservation in South Dakota;
- the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation in Wisconsin;
- the Pueblo of Laguna in New Mexico;
- the Navajo Tribe of Arizona, New Mexico, and Utah;
- the Red Lake Band of Chippewa Indians of the Red Lake Reservation of Minnesota;

- the Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Indian Reservation of Arizona;
 - the Port Gamble Indian Community of the Port Gamble Reservation in Washington;
 - the Hopi Indian Tribe of Arizona; and
 - the Confederated Tribes and Bands of the Yakima Indian Nation of the Yakima Reservation in Washington.
 - Inter-Tribal Council Of Arizona;
 - the Tanana Chiefs Conference Regional Corporation;
 - the Minnesota Indian Women's Resource Center;
 - Fairbanks Native Association, Inc.;
 - the Indian Health Care Resource Center of Tulsa; and
 - the Denver Indian Health and Family Services, Inc.
- C. In addition, several Head Start programs and community action agencies serving American Indians and Alaskan Natives also sponsor family support programs.

Several Federal programs or initiatives also have focused on prevention, family-centered practice, and a community-based approach. Some examples include the Head Start Bureau's Family Service and Family Support Projects, and Parent and Child Centers; the national Comprehensive Child Development Program demonstration; the National Center on Child Abuse and Neglect's State community-based prevention grants associated with Children's Trust Funds; the Family Support Resource Center and the Family Based Services Resource Center funded by the Children's Bureau; the Family and Youth Services Bureau's Family Resource and Support program; the Public Health Services' (PHS) "Healthy Start" program; the Office of Community Services' Family Support Centers (homeless families demonstration); the Department of Housing and Urban Development's (HUD) Family Self-Sufficiency demonstration program; and the PHS Child and Adolescent Services System Program (CASSP), a planning model for coordinated mental health services now implemented in all States.

We have compiled in Attachment C reference information on family support and family preservation resources, programs, and options including information on collaborative planning and needs assessment.

As one part of our implementation of this new legislation, we have convened a series of focus groups in both the Central and Regional Offices with family support and family preservation program directors, practitioners, and experts; State, county, and city child welfare administrators; State and local agencies with experience in providing such programs; representatives of Indian Tribes and regional and national tribal organizations; national advocacy, interest group, and professional organizations; representatives of national organizations representing Governors, State legislators, and counties; and parents, foster parents, and consumers of child welfare services. In addition, we have met with or received written materials and recommendations from a number of other experts and practitioners in the field. The suggestions, guidance, and information we have received through this process have been invaluable to us in the development of this Program Instruction.

PART II: FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES AND PRINCIPLES

The literature on professional practice and the discussion at the focus groups reflected general agreement on the goals for family support and family preservation services. These services should be directed towards:

- enhancing parents' ability to create stable and nurturing home environments that promote healthy child development;
- assisting children and families to resolve crises, connect with necessary and appropriate services, and remain safely together in their homes; and
- avoiding unnecessary out-of-home placement of children, and helping children already in out-of-home care to be returned to and be maintained with their families or in another planned, permanent living arrangement.

"Family support services" are primarily community-based preventive activities designed to alleviate stress and promote parental competencies and behaviors that will increase the ability of families to successfully nurture their children; enable families to use other resources and opportunities available in the community; and create supportive networks to enhance child-rearing abilities of parents and help compensate for the increased social isolation and vulnerability of families.

Examples of community-based services and activities include: respite care for parents and other caregivers; early developmental screening of children to assess the needs of these children and assistance in obtaining specific services to meet their needs; mentoring, tutoring, and health education for youth; and a range of center-based activities (informal interactions in drop-in centers, parent support groups) and home visiting activities. (See Section 431 of the statute and the Conference Report language in Attachment B.)

"Family preservation services" typically are services designed to help families alleviate crises that might lead to out of home placement of children; maintain the safety of children in their own homes; support families preparing to reunify or adopt; and assist families in obtaining services and other supports necessary to address their multiple needs in a culturally sensitive manner. (If a child cannot be protected from harm without placement or the family does not have adequate strengths on which to build, family preservation services are not appropriate).

Examples of family preservation activities and services include: intensive preplacement preventive services; respite care for parents and other caregivers (including foster parents); services to improve parenting skills and support child development; follow-up services to support adopting and reunifying families; services for youth and families at risk or in crisis; and intervention and advocacy services for victims of domestic violence. (Section 431 of the statute.) Currently, a number of program models, approaches, and levels of family preservation services are in operation. In this Program Instruction the term "family preservation" is used to include all such service options. ACF does not plan to require and does not endorse any specific program model for implementation. However, in joint planning activities with Federal staff, Indian Tribes will have an opportunity to discuss the basis for their selection of program models, the operation

of specific service designs and options, and sources for additional information on high quality program approaches and models. Some activities such as respite care, home visiting, and assistance in obtaining services may be considered either a family support or a family preservation service.

Families and Children

The statute clarifies that, in providing services, "families" may include biological, adoptive, foster, and extended families. The term "children" includes youth and adolescents.

Guiding Principles

Both family support and family preservation services are based on a common set of principles or characteristics which help assure their responsiveness and effectiveness for children and their families. Focus group participants frequently pointed out that, while various models of services or programs are available, it is an approach based on these principles that should provide an organizing framework for planning.

Among the shared principles most often identified by practitioners are:

- The welfare and safety of children and of all family members must be maintained while strengthening and preserving the family whenever possible. Supporting families is seen as the best way of promoting children's healthy development.
- Services are focused on the family as a whole; family strengths are identified, enhanced, and respected, as opposed to a focus on family deficits or dysfunctions; and service providers work with families as partners in identifying and meeting individual and family needs.
- Services are easily accessible (often delivered in the home or in community-based settings, convenient to parents' schedules), and are delivered in a manner that respects cultural and community differences.
- Services are flexible and responsive to real family needs.

Linkage to a wide variety of supports and services outside the child welfare system (e.g., housing, substance abuse treatment, mental health, health, job training, child care) are generally crucial to meeting families' and children's needs.

- Services are community-based and involve community organizations and residents (including parents) in their design and delivery.
- Services are intensive enough to meet family needs and keep children safe. The level of intensity needed to achieve these goals may vary greatly between preventive (family support) and crisis services.

For additional information on service programs and options, see Attachment C.

PART III: PLANNING ACTIVITIES

This new legislation provides an unusual opportunity for States and Indian Tribes to strengthen and refocus their child and family services. The legislation:

- provides additional and flexible funds for innovative services;
- directs the focus of these services in new ways; and
- provides the resources for a planning effort to ensure maximum results.

Because the new focus on family-based services and community linkages requires changes in vision, in philosophy, and in the design and delivery of child welfare services, the FY 1994 planning period is especially critical. By making funds available for planning and by requiring the development of a long-range, five-year plan, the legislation recognizes this critical first step and offers each State and eligible Indian Tribe an opportunity to strengthen, reform, and better coordinate and integrate its service delivery system.

The planning process is made up of three major elements:

- broad consultation, coordination, and involvement with a variety of individuals, organizations, and experts, particularly those with experience in administering programs for children and families, including family preservation and family support services;
- the gathering of data needed for planning, e.g., a needs assessment or other information collection process; and
- the two above elements feeding into joint planning activities between representatives of ACF and the Indian Tribe leading to the development of the five-year Tribal Plan.

The five-year plan will be the vehicle to articulate an Indian Tribe's vision for improved services for children and families, including family preservation and family support services. The plan will also include a strategy for achieving that vision, set goals, describe ways to measure progress towards those goals, and identify next steps toward a more comprehensive and integrated services system that responds to the needs of vulnerable families in the tribe.

Family support and family preservation services should not be seen as isolated categorical programs but as a part of a larger system of services helping to meet the needs of families.

A. Consultation and Coordination

We recognize that some Indian Tribes may have successful, planning processes underway for child and family services. We believe that these new title IV-B funds can be used by the Indian Tribe to build on and strengthen current planning efforts or act as a catalyst for the development of a useful, new process.

There are several purposes of outreach and coordination including the development of more effective service delivery to children and families, the assessment of family and tribal service needs, the identification of service overlaps and gaps, the identification of available resources (expertise, money, staff) that might help to meet needs; and the development of strategies for blending financing or simplified case management

procedures across programs. All of these outcomes help improve service delivery to children and families.

Consultation with knowledgeable agencies, organizations, and experts can help inform the tribe's efforts to design and implement family support and family preservation services. Because these services cannot effectively address the needs of children and their families in isolation, the consultation and coordination should include the active involvement of major actors including:

- Representatives of agencies and organizations (including national resource centers, foundations and other Indian Tribes and tribal organizations) with expertise in planning and implementing culturally relevant family support and family preservation services on behalf of tribal children and families.
 - Parents (especially parents who are participating in or who have participated in family support or family preservation services), other consumers, foster parents, extended family members, adoptive parents, and other potential users of services.
 - Representatives of Federal and federally funded service programs providing assistance to tribal families regardless of funding source or administration, e.g., the Indian Health Service, the Bureau of Indian Affairs, or a State or local child welfare or health agency. Such programs might include maternal and child health (including the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program), child abuse and neglect, foster care, substance abuse prevention and treatment, youth related programs, Head Start, domestic violence, housing, income security (AFDC, JOBS, child care and development block grant, community services block grant, and nutrition programs (Food Stamps and WIC).
 - Representatives of Tribal Councils, other tribal administrative bodies, and tribal courts who deal with child and family matters.
- B. Attachment C lists a number of resources and provides additional information. Indian Tribes are also encouraged to call the ACF Regional Office with questions and requests for clarification.
- C. **Collection of data**

An essential component of the planning process is the collection of information on which to base service decisions and determine future goals. We strongly recommend that Indian Tribes conduct a thorough needs assessment using available data whenever possible.

The needs assessment should supplement the consultation and coordination activities by identifying the family support, family preservation, and other related services currently being provided; the resources and sources of funding; and gaps and deficiencies in services. It should also identify data on which to base decisions on what services will be provided under the five-year plan and who will get the services. Data to be collected might include demographic characteristics of children and families; child abuse and neglect and infant mortality data; data on rates of foster care placements; and data on poverty, unemployment, homelessness, substance abuse, or teen pregnancy. An Indian Tribe might also project what the future circumstances of families and children in the tribe would be if nothing was done.

D. Joint planning

Joint planning is an ongoing process of discussion, consultation, and negotiation which takes place between the representatives of the Indian Tribe and the ACF Regional Office representative for the purpose of developing a five-year plan. It also includes Federal technical assistance to Indian Tribes.

Through joint planning, Tribal and Federal staff, with appropriate consultation and participation of other stakeholders, discuss the key strategic decisions facing the tribe (as identified from needs assessments, consultation, and other data available to the tribe):

- priorities for services and for target populations;
- proposed goals and objectives;
- unmet needs, services gaps, and overlaps in funding;
- other funding resources available to provide the services needed;
- the Federal, State, and local organizations, foundations, and agencies with which the Indian Tribe can coordinate;
- ongoing plans to move toward the tribe's goals by improving the service delivery system and ensuring a more efficient comprehensive system of care for children and families; and
- methods for reviewing progress toward those goals.

Finally, joint planning also includes Federal guidance and technical assistance after the five-year plan has been developed and approved. This is provided through follow-up review and discussion of progress in accomplishing the goals identified in the plan and updating the plan as appropriate.

PART IV: STATUTORY AND FISCAL REQUIREMENTS

A. Brief Outline of Major Provisions of the Statute

1. Purpose

Family Preservation and Support Services is a capped entitlement program. Its purpose is to encourage and enable each State and eligible Indian Tribe or tribal organization "to develop and establish, or expand, and to operate a program of family preservation services and community-based family support services." One hundred percent Federal funding is available in FY 1994 to develop and submit a five-year plan for such services in FY 1995. (Section 430) A copy of the statute is found in Attachment B.

2. Special Provisions Related To Indian Tribes and Tribal Organizations

- The terms "Indian Tribe" and "Tribal Organization" are defined in the statute. (Sections 431(a)(5) and (a)(6))
- The Secretary shall pay any amount to which an Indian Tribe is entitled under subpart 2 directly to the tribal organization of the Indian Tribe; the

term "tribal organization" means the recognized governing body of the Indian Tribe. (Section 434(c))

- Only those Indian Tribes whose allotment of FY 1995 funds is \$10,000 or more are eligible to receive funds. (Section 432(b)(2))
- Allotments to Indian Tribes are based on a ratio of the number of children in each Indian Tribe compared to the number of children in all Indian Tribes with approved plans, based on the most current and reliable data available. (Section 433(a))
- The Secretary may exempt an Indian Tribal Plan from any requirement of section 432 determined to be inappropriate to apply to the Indian Tribe, taking into account the resources, needs, and other circumstances of the Indian Tribe. (Section 432(b)(2)) (Exemptions of requirements for Indian Tribes will be published in regulations to be issued later in 1994.)

3. Five-Year State or Indian Tribal Plan

In order to receive funds in FY 1995, each State and each eligible Indian Tribe must submit a five-year plan for FYs 1995-99. The plan must at minimum:

- set forth the goals to be accomplished by the end of the fifth year;
- be updated periodically to set forth the goals to be accomplished by the end of each fifth fiscal year thereafter;
- describe the methods to be used to measure progress toward the goals; and
- provide for coordination of services under the plan with other Federal or federally assisted programs serving the same populations.

As part of an ongoing planning process, each State and each Indian Tribe must:

- annually review progress toward accomplishing the goals;
- based on the annual review, revise the goals if necessary; and
- at the end of the fifth year, conduct a final review and provide a report to the Secretary and to the public on progress toward accomplishing the goals; and
- also at the end of the fifth year, amend the plan to set forth the goals for the next five years as developed in consultation with public and non-profit agencies. (Section 432(a))

4. Joint Planning and Consultation Requirements

The Secretary will approve a plan that meets the requirements only if the plan was developed:

- jointly by the staff of the Department with each State and with each eligible Indian Tribe (Section 432(b)(1)); and
- after consultation by each State and each Indian Tribe with appropriate public and non-profit private agencies and community-based organizations with experience in administering programs of services for children and

families, including family support and family preservation services.
(Section 432(b))

5. Public Information and Reporting Activities

Annually, each State and each Indian Tribe must furnish to the Secretary, and make available to the public, a report/update to the plan which contains a description of:

- the family preservation services and the community-based family support services to be made available under the plan in the upcoming fiscal year;
- the populations each program will serve; and
- the geographic areas where each service will be available.

This first descriptive services report for FY 1995 and FY 1996 is due at the time the FY 1995 plan is submitted; subsequent reports will be due by June 30 of each succeeding fiscal year for the upcoming fiscal year. (Section 432(a)(5))

As noted above, at the end of each five-year plan period, each State and each Indian Tribe must report to the Secretary and to the public on its progress in meeting its five-year goals and on its goals for the next five-year period.

6. FY 1994 Application and Special Rule Requirements

- Each State and each eligible Indian Tribe or tribal organization must submit an application for funds for FY 1994.
- For FY 1994, up to \$1 million of a State's allotment and all of the Indian Tribe's allotment may be used for planning purposes to develop and submit the FY 1995-99 plan.
- Funds used for planning purposes in FY 1994 are 100 percent Federal funds, i.e., no State or tribal match is required.
- Funds not needed to develop the FY 1995-99 plan may be used to provide family support and family preservation services. (Funds over \$1 million in a State's allotment may only be used for such services.)

7. Fiscal and Administrative Requirements

- Funds used to provide services in FY 1994 and subsequent years are federally reimbursed at 75 percent. Total Federal funding for planning and services will not exceed the amount of the State or the tribal allotment.
- Indian Tribes using funds for services (in FY 1994 and subsequent years) may not use more than 10 percent of total Federal and tribal service expenditures under this program for administrative costs.
- The ten percent limitation on administrative costs does not apply to funds used for planning purposes in FY 1994.
- Each State and each Indian Tribe must spend a "significant portion" of service dollars for family support and for family preservation services, respectively. (Section 432(a)(4))
- Except as follows, the use of other Federal funds as the Indian Tribe's share of expenditures is prohibited.

(Section 434). The exceptions are:

1. Indian Child Welfare Act funds.
 2. Indian Self-Determination and Education Assistance funds.
 3. Community Development Block Grant funds.
8. Other Requirements

The statute requires that each State and each Indian Tribe will:

- provide for the proper and efficient operation of the five-year plan (Section 432(a)(6));
 - assure, and provide fiscal reports to the Secretary to demonstrate compliance with the requirement, that Federal funds under this program will not be used to supplant Federal or non-Federal funds for existing family support and family preservation services and activities (Section 432(a)(7));
 - furnish other reports as required (Section 432(a)(8));
 - participate in evaluations as required (Section 432(a)(8)); and
 - expend funds by September 30 of the fiscal year following the fiscal year in which the funds were awarded, i.e., each State and each Indian Tribe must liquidate all obligations of FY 1994 funds by September 30, 1995. (Section 434(b)(2))
9. Definitions

Definitions, including definitions of services, are found in Section 431 of the Social Security Act. The Conference Report language provides additional examples of family support services (see Attachment B).

B. Additional Fiscal and Administrative Information

1. Rate of Federal Match

This Federal Financial Participation (FFP) rate is the same as the rate under subpart 1 of title IV-B. The State or the Indian Tribe's contribution may be in cash or donated funds. For example, an Indian Tribe with an allotment of \$60,000 must spend at least \$80,000 in order to receive the full amount of the allotment, at least \$20,000 of which is non-Federal funds, except that an Indian Tribe may use the three sources of Federal funds listed in this Program Instruction as the match. If the tribe spends less than \$80,000 (e.g., \$70,000), it will receive 75 percent of the amount it spends (e.g., for \$70,000 in expenditures, the tribe will receive \$52,500).

2. Submittals

- The FY 1994 Application

The application for FY 1994 funds may be submitted as a preprint or in the format of the Indian Tribe's choice. A recommended preprint is found

at Attachment D. If a tribe uses its own format, the application must include all the information specified in the preprint.

We encourage the Indian Tribes to submit the FY 1994 application to the appropriate ACF Regional Office as soon as possible after completing the application requirements and no later than June 30, 1994. Grant awards will be made after the application has been approved. (See Attachment F for a list of Regional Offices.)

- The FY 1995 Plan

FY 1995 funds are available only after the tribe has submitted, and ACF has approved, a five-year plan for services that meets all requirements.

ACF is considering consolidating this five-year plan for Family Preservation and Support Services with the title IV-B (subpart 1) Child Welfare Services Plan. Instructions for submitting this proposed consolidated FY 1995 five-year plan for those Indian Tribes that receive both title IV-B subpart 1 and these subpart 2 funds will be issued in the future.

Indian Tribes are encouraged to submit the FY 1995 plan as soon as possible after completing the planning process and no later than June 30, 1995. Grant awards will be made after the plan has been approved.

3. Other Information

- FY 1994 funds are available for expenditures from the beginning of the fiscal year, i.e., October 1, 1993.
- There is no reallocation provision in this new legislation.
- The SF-269 report must be submitted annually to the Central Office.

PART V. APPLICATION INSTRUCTIONS

A. Planning

We expect and encourage eligible Indian Tribes to take full advantage of the opportunity to use the 100 percent FY 1994 Federal funds for comprehensive planning, such as consultation, coordination, collection of data, and other planning related activities, e.g., training and technical assistance. We believe that such planning is critical to the development of a five-year plan for services and to the effective establishment of a continuum of services for children and families that includes family support and family preservation services. To qualify for Federal funding for FY 1994 under title IV-B, subpart 2, Family Preservation and Support Services, an Indian Tribe or tribal organization must submit an application to the ACF Regional Office. (See optional application preprint at Attachment D.)

Based on the guidance in Part IV of this Program Instruction, all applications must:

1. Provide the name of the tribal organization (i.e., the recognized governing body of the Indian Tribe) that will administer the program on behalf of the Indian Tribe.
2. Estimate the amount of the FY 1994 allotment that will be used for planning for family preservation and family support services, including development of a five-year plan for services in the context of a more integrated services system for children and families.
3. Describe the proposed use of FY 1994 funds for planning activities, including:
 - A description of the process the Indian Tribe will follow (or the existing planning process it will use) to ensure the active involvement of a wide range of interested individuals and organizations in the planning process. This may include individuals (e.g., parents, consumers, Tribal Council and Tribal Court representatives; practitioners); and representatives of a variety of agencies and organizations including other Indian Tribes and tribal organizations with expertise in planning and implementing culturally relevant family preservation and family support services;
 - A description of how the Indian Tribe will coordinate the provision of services with representatives of other Federal and federally assisted programs; providing assistance to tribal families and children to develop a more comprehensive and integrated service delivery system;
 - A list of planned contacts and a description of the outreach activities, such as hearings or focus group meetings, that the Indian Tribe will use to ensure that interested parties have an opportunity for active involvement in this planning process; and
 - A description of how the Indian Tribe will inform all appropriate parties about this new legislation and the planning, consultation, and coordination provisions.
4. Describe how the Indian Tribe will assess tribal needs (or describe a recently conducted prior planning process which assessed tribal needs and meets the requirements of this paragraph). The proposed approach to needs assessment should contain enough detail to support the Indian Tribe's service decisions for FY 1995 and include specific data collection strategies on service populations, service needs, available programs, and available resources.

Examples of information that may be useful are data on the number and types of child abuse and neglect reports and foster care placements, and data on child and family poverty, homelessness, unemployment, substance abuse, teen pregnancy. (See Attachment C for reference materials on needs assessments.)

5. Describe the nature and scope of any existing public and privately funded family preservation and family support programs serving tribal families.

Information about these programs should be used to make informed decisions on investing or expanding existing services or moving in new directions.

6. Describe other activities that will be carried out to develop the five-year plan and implement improved service delivery, including activities such as training and technical assistance.
7. Provide the following general assurances:
 - The Indian Tribe will perform administrative procedures, determined necessary by the Secretary of HHS, for the proper and efficient operation of the tribe's program.
 - The Indian Tribe will not use Federal funds provided to the tribe under this program to supplant Federal or non-Federal funds for existing family preservation or family support services. The tribe will furnish requested reports to the Secretary of HHS that demonstrate the tribes' compliance with the prohibitions against supplantation.
 - The Indian Tribe will furnish reports requested by the Secretary of HHS, including the SF-269.
 - The Indian Tribe will participate in any national or local (including local third party) evaluations of the program that may be required by the Secretary of HHS.

(States and Indian Tribes may be asked to provide information about the number of children served by the new program, goals on foster care caseloads, and on reports of child abuse and neglect.)

- The Indian Tribe will not expend (obligate and liquidate) any amount paid under this program for any fiscal year after the end of the immediately succeeding fiscal year.
8. Certify that the Indian Tribe will meet the following certifications contained in the application preprint by signing the first and submitting the two remaining certifications. (The signature of the authorized tribal official on the application constitutes compliance with the drug-free workplace and the debarment certifications.)
 - Anti-Lobbying and Disclosure Form;
 - Drug-Free Workplace Requirements; and
 - Debarment Certification.
 9. Provide the name, signature and title of the tribal official authorized to act for the applicant tribe and assume the tribe's obligations under the terms and conditions of the grant award including certifying compliance with all assurances and certifications associated with the receipt of funds for family preservation and family support services. Also, provide the name, title, and telephone number of a contact person responsible for the planning effort.

B. Services

An Indian Tribe may apply to use FY 1994 funds for services. However, it first should review the FY 1994 application requirements for planning and the preliminary issues for possible regulatory action for the FY 1995 Tribal Plan (see Attachment E). If the Indian Tribe believes it can demonstrate that it has met or is in the process of meeting most of

these requirements and will have funds from its allotment not needed for planning or developing the FY 1995 plan, it may apply to use these funds for services.

Before authorizing the expenditure of FY 1994 funds for services, we will want to be satisfied, for example, that the Indian Tribe expects to meet the requirements for consultation with parents and others in its design and funding of family support programs; that it has completed or expects to complete a needs assessment and obtain data necessary for services planning and/or expansion; and that it has coordinated with Federal and federally assisted programs in order to develop collaborative arrangements to improve service delivery to vulnerable families. The Indian Tribe also must be able to show how the family preservation and support services to be provided in FY 1994 are related to the Indian Tribe's current title IV-B Services Plan (title IV-B, subpart 1, Child Welfare Services), if the tribe has such a title IV-B, subpart 1, program in effect.

We urge each Indian Tribe to consult with the ACF Regional Office staff as it prepares its FY 1994 application for planning/services. Regional Office staff will clarify requirements, review materials submitted as part of the application, and provide further guidance.

In order to receive funding for services in FY 1994, an Indian Tribe's application must include the following information:

1. Specify the estimated amount of the tribal allotment that will be used for services, and the amount that the tribe will contribute (at least 25 percent of the total, i.e., 33 percent of the Federal contribution). Include total estimates of the amounts to be used for training, technical assistance, and administrative costs.
2. Include the findings of a needs assessment or prior planning processes that led to the decision to spend FY 1994 funds for services and to the selection of the type of services, the populations to be served, and the geographic areas for each type of service. Include a description of the needs assessment/planning process and a list of the organizations and individuals that participated.
3. Describe how representatives from groups identified as having expertise in the field of family preservation and family support, parents, consumers, and others participated in the development of the application for FY 1994 services funds.
4. Identify the tribe's goals for services to vulnerable children and families in FY 1994 and indicate how the funds obtained under this program will assist in meeting these goals. Indian Tribes that have a current title IV- B, subpart 1, Child Welfare Services Plan in effect may reference and build on the goals and priorities in that plan as they develop new goals.

Describe how these funds will link to other services (such as social, educational, youth, substance abuse, and health and mental health services) to improve the likelihood that children and families will receive care appropriate to meet their multiple needs.

5. Describe separately the family support services and the family preservation services that will be provided using FY 1994 funds. Include a description of the populations to which each type of service will be directed and the geographic areas where each type of service will be provided.
6. Indicate the specific percentage of FY 1994 funds that will be expended for community-based family support and for family preservation services, respectively, and the rationale for that choice. Include an explanation of how this distribution was reached and why it meets the requirement that a "significant portion" of the service funds must be spent for each service. Examples of important considerations might include the nature of the planning efforts that led to the decision, the level of existing tribal effort in each area, and the resulting need for new or expanded services. While there is no minimum percentage that defines significant, Indian Tribes should be aware that the rationale will need to be especially strong if the request for either allocation is below 25 percent.
7. Specify the following information:
 - Describe the types of activities that will be claimed as administrative costs. These typically are the overhead costs associated with personnel, such as rent, utilities, supplies, and so on.
 - Describe the types of training and technical assistance activities that will be carried out. (Costs directly associated with the provision of services are not considered administrative costs, e.g., training for individuals to administer or deliver family support or family preservation services.)
8. Provide the following assurances:
 - The Indian Tribe will not spend more than ten percent of family support and family preservation funds used for services on administrative costs.
 - The Indian Tribe will spend a significant portion of funds for family preservation and for family support services, respectively.
 - Except for the funds listed in the next sentence, the Indian Tribe will not use other Federal funds to meet the tribe's share of costs of services not covered by the amount received under this law. The exceptions are: Indian Child Welfare Act funds, Indian Self- Determination and Education Assistance funds, and Community Development Block Grant funds. **Note:** The Indian Tribe will meet the general assurances in the law (see p. 25) by submitting the signed planning section of this application.
9. Provide the name, signature and title of the tribal official authorized to act for the applicant tribe and assume the tribe's obligations under the terms and conditions of the grant award including certifying compliance with all assurances and certifications associated with the receipt of funds for family preservation and family support. Also, provide the name, title and telephone number of a contact person for family support and family preservation services.

INQUIRIES ACF Regional Administrators
TO: Olivia A. Golden
 Commissioner
 Administration on Children, Youth and
 Families

Attachments:

- Attachment A: Indian Tribal Allotments FY 1994 and Estimated Allotments for FY 1995
- Attachment B: Statute and Conference Report Language
- Attachment C: List of Resources/Models
- [Attachment D](#): FY 1994 Application Preprint
- [Attachment E](#): FY 1995 State and Indian Tribal Plan Issues for Regulation
- Attachment F: List of ACF Regional Administrators

Attachment D

**Family Preservation and Family Support Services Indian Tribal Application Preprint for
Fiscal Year 1994 Funds**

PART A: PLANNING

[Legal Citations](#)

Eligible Grantee

Section 431 (a)(3)

A.1. Name of the tribal organization (the recognized governing body of the Indian Tribe) applying for family preservation and family support funds.

If the Indian Tribe administers the child welfare services program under title IV-B, subpart 1, the same component of the Indian Tribe shall administer or supervise the administration of subpart 2, family preservation and family support services.

Legal Citations

Funds for Planning

Section 434 (a)(2)

2. Indicate the estimated amount of FY 1994 funds the tribal organization will use for planning, including the development of the five-year Plan.

\$ _____

Section 432; and Section 434 (a)(2)

3. (a) Describe the proposed planning activities for development of the five-year Plan, including active involvement of knowledgeable experts, agencies and organizations, parents, consumers, community representatives, and others.

Section 432 (a)(3)

- b. Describe how the tribal organization will coordinate the provision of services with representatives of Federal and federally-assisted programs to develop a more comprehensive and integrated service delivery system.

Section 434 (a)(2)

- c. List planned contacts and describe outreach activities to ensure that interested parties have an opportunity for active involvement in the planning process.

Section 432 (a)(2)(C)(ii)

- d. Describe how the tribal organization will inform appropriate parties about this new legislation and the planning, consultation, and coordination provisions.

Section 434 (a)(2)

4. Describe how the tribal organization will assess tribal needs or describe a recently conducted prior planning process which assessed such needs.

Section 434 (a)(2)

5. Describe the nature and scope of any existing family preservation and family support programs serving tribal families.

Section 434 (a)(2)

6. Describe other proposed activities for the development of a five-year Plan and implementation of service system reform, including training and technical assistance and assessment of services.

Section 432 (a)(6)

Section 432 (a)(7)(A)

Section 432 (a)(7)(B)

Section 432 (a)(8)

Section 432 (a)(8)

Section 434 (b)(2)

Assurances

7. Provide the following general assurances:
- Assure that the tribal organization will perform administrative procedures the Secretary determines to be necessary for the proper and efficient operation of the plan.
 - Assure that the tribal organization will not use funds provided under this subpart to supplant Federal or non-Federal funds for existing family preservation and family support services and activities.
 - Assure that future reports on compliance with the supplantation prohibition will be provided at the request of the Secretary.
 - Assure that the tribal organization will furnish reports as required by the Secretary, including the SF-269.
 - Assure that the tribal organization will participate in evaluations as the Secretary may require.
 - Assure that the tribal organization will expend (obligate and liquidate) any FY 1994 Federal funds before the end of the immediately succeeding fiscal year.

45 CFR 93, Appendix A

45 CFR 76.600

45 CFR 76.500

Certifications

8. Submit the following certifications, found as an attachment to this preprint:
- Anti-Lobbying and Disclosure form;
 - Drug-Free Workplace; and
 - Debarment.

Application Approval for Planning

Signature of Tribal Official	Title	Date
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The signature above certifies that the Indian Tribe or tribal organization will comply with the requirements of title IV-B, subpart 2, of the Social Security Act, including all the required assurances and certifications for planning.

Name of tribal organization contact person, including title and telephone number to whom requests for clarification and/or additional information related to planning may be directed.

Signature of Regional Office Approving Official/Title/Date

PART B: SERVICES

Funds for Services

- B. .1. Specify the estimated amount of funds the tribal organization will use for services, training and technical assistance and administrative costs in FY 1994, indicating both the Federal and tribal share.

Indian Tribe Federal

Family preservation services \$_____ \$_____

Community-based family support services \$_____ \$_____

Total amount for services \$_____ \$_____

Total Tribal and Federal \$_____

Total amount for training * \$_____

Total amount for technical assistance * \$_____

Total amount for administrative costs \$_____

2. Provide the findings of any needs assessment or prior planning process which led to the decision to spend FY 1994 funds for services. Include the method by which the assessment was conducted and a list of participants.
3. Describe how the public, including representatives of groups having expertise in family preservation and family support, parents and consumers and others participated in the development of the application to provide services in FY 1994.

* Estimate training and technical assistance expenditures under both planning and services.

4. (a) Identify the goals for services in FY 1994 and indicate how the funds obtained under this program will assist in meeting these goals.

(b) Describe how funds obtained under this program will link to other services to improve the likelihood that children and families will receive care appropriate to meet their multiple needs.
5. Describe the community-based family support services and family preservation services that will be provided; include a description of the populations each of the

programs will serve and the geographic areas in which each of the services will be provided.

6. Indicate the specific percentage of FY 1994 program funds that will be expended for family support and for family preservation services, respectively, and the rationale for that choice.

Provide an explanation of how the distribution was reached and why it meets the requirement that a "significant portion" of the service funds must be spent for each service.

Total of Planned Federal and Tribal Expenditures

Family Preservation _____%

Family Support _____%

7. (a) Describe the types of activities that will be claimed as administrative costs.

(b) Describe the types of training and technical assistance activities that will be carried out.

Section 434 (a)(2)(B)

Section 434 (a)(2)(B)

Section 434 (b)(1)

Additional Assurances

8. Provide the following assurances that relate to services:
 - Assure that no more than ten percent of expenditures will be used for administrative costs.
 - Assure that a significant portion of funds will be used for both family preservation and community-based family support services.
 - Except as provided by law, assure that Federal funds will not be used to meet the tribe's share of the costs of services not covered by the amount received under this law.

Application Approval for Services

Signature of Tribal Official

Title

Date

The signature above certifies that the Indian Tribe or tribal organization will comply with the requirements of title IV-B, subpart 2, of the Social Security Act, including the required assurances and certifications for services.

Name of tribal organization contact person, including title and telephone number to whom requests for clarification and/or additional information related to planning may be directed.

Signature of Regional Office Approving Official/Title/Date

Attachment E

FY 1995 Five-Year State and Indian Tribal Plan - Issues for Future Regulations

We plan to publish a notice of proposed rulemaking in the spring of 1994. In our discussions with focus group participants and others, we have received a number of policy recommendations which are under consideration for inclusion in the proposed rule. The following is a list of preliminary regulatory issues under consideration for the FY 1995 State and Indian Tribal Plan. We may also be proposing rules on plan requirements that may be waived for Indian Tribes.

- The plan should include a vision or philosophy statement for services to children and families.
- The plan should include clearly stated goals and outcomes based on documented data on families and children; should reflect analysis of existing child welfare and related social welfare delivery systems; and should specify the steps that will be taken to measure outcomes and accomplish the goals.
- The plan should document current, proposed, and ongoing coordination and collaboration with specified programs, agencies, organizations, and individuals at the State and tribal levels.
- The plan should articulate a continuum of coordinated services from prevention (family support services) to child abuse and neglect investigation, family preservation services, foster care and adoption services, reunification services and other supportive activities. The plan should show how multiple agencies and services programs, both public and private, are a part of this continuum, e.g., mental health, the courts, education, community action agencies, foundations, non-profit community-based organizations, housing, income security. The plan should show how the continuum reflects the multiple sources of funding that contribute to this service system and how services are family-centered, flexible, easily accessible, and provide an improved service delivery system to children and families.
- The plan should identify specific existing and planned family preservation services and family support services and describe how they fit into the continuum of services.
- The plan should include a complete and detailed description of the family preservation services and the family support services to be provided, the target populations for each service, and the geographic areas in which each service will be provided in the upcoming

year. (This information must also be made available to the public (Section 432(a)(5) of the Social Security Act).)

- The plan should describe the realistic and measurable results and benefits that are expected to be derived from the family support and family preservation services programs and the manner in which actual results and benefits would be measured and substantiated to determine if stated objectives and goals are met. This should include a description of the methods to be used to evaluate annual progress and to evaluate the effectiveness of the family support and family preservation programs, such as:
 - a. types of data collection activities that will document the frequency, intensity, and duration and results of service delivery to children and families, including data that will come from management information systems;
 - b. evaluations of ongoing programs;
 - c. process evaluations focusing on implementation strategies at the State and local level; and
 - d. impact evaluations assessing the impact of new service delivery efforts.
- The plan should specify the quality standards used in the development, expansion, or operation of family preservation and family support services.
- The plan should document contracts or subgrants with community-based organizations for family support services. Additional requirements under consideration for proposed regulations include:
 - Specification of the public notification process that must be used to publicize the Annual Report information on services, target populations, and geographic areas.
 - A definition of the term "administrative cost" to clarify the ten percent limitation on administrative costs.
 - A definition of the term "significant portion" to clarify what percentage of funds must be spent for family preservation and for family support services, respectively.
 - A requirement for annual documentation of funds spent for family preservation and family support services to permit monitoring of the supplantation prohibition.